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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,665	02/15/2001	Yiqun Wang	1001.1412101	2225

28075 7590 10/18/2006

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EXAMINER

ALI, SHUMAYA B

ART UNIT	PAPER NUMBER
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3771

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,665

Applicant(s)

WANG ET AL.

Examiner

Shumaya B. Ali

Art Unit

3771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-36 is/are pending in the application.
- 4a) Of the above claim(s) 31-34 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-30,35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

Claims 31-34, and 36 are withdrawn. Claims 22-36 are pending in the current application.

Response to Arguments

Applicant's arguments filed on 7/21/06 with respect to claims 22-30, and 35 have been considered, however not persuasive. Applicant argues, "the port in McIntyre et al. does not include a flange. Instead, it has a thread 34. Because McIntyre et al. does not teach or suggest a port with a flange end, McIntyre et al. cannot anticipate a seal member attached to the flanged end and covering the opening" (see remark page 5, lines 6-9). Examiner is interpreting McIntyre et al. disclose a flange end. "Flange" according to standard dictionary definition is a protruding rim, **edge, rib**, or collar, as on a wheel or a **pipe shaft**, used to strengthen an object, hold it in place, or **attach it to another object**. The thread (34) at the end of a catheter shaft is considered edge/rib used to attach (24). McIntyre et al. figure 4 additionally depicts a seal (26 and 28) is attached to flange 34. McIntyre et al. thus disclose a seal member attached to the flanged end. Figure 4 further depicts the seal is covering an opening (20). Thus, McIntyre et al. anticipates limitation of claim 22. Therefore, rejection set forth in the previous office action dated 4/20/06 is maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22-30,35 are rejected under 35 U.S.C. 102(b) as being anticipated by McIntyre et al. US Patent No. 5,334,153.

As to claim 22, McIntyre et al. disclose a catheter assembly having an elongated catheter shaft (generally 1) having a proximal end, a distal end, and a guide wire lumen (5) defined therein, and an inflation lumen (22) defined therein; a balloon (8) disposed adjacent the distal end of the catheter shaft (see fig.1), the balloon being in fluid communication with the inflation lumen (as recited in col. 4 line 14); a port (20) disposed at the proximal end of the catheter shaft; the port inherently having an opening defined therein (see fig.4) that is in fluid communication with the inflation lumen and a flanged end (34); and a seal (26 and 28, as recited in col.5 lines 55-60 and col.6 lines 1-3) member attached to the flanged end and covering the opening.

As to claims 23-29, McIntyre et al. disclose wherein the seal has a cross sectional surface area defined by a closed plane figure; wherein the seal is generally planar; wherein the seal extends laterally beyond the flanged end of the port; wherein the seal is pierceable; wherein

the seal is self sealing (col.5 line 53 “air tight”); wherein the seal defines the proximal most (col.5 lines 62-63) end of the port; wherein the seal is releasably attached to the flanged region (see figure 4).

As to claim 30, McIntyre et al. disclose catheter further comprising a cap (24) coupled to the port and disposed over the seal (see fig.4).

As to claim 35, McIntyre et al. disclose a balloon catheter in figures 1-5 comprising an elongate catheter shaft (generally 1) having a proximal end region, a proximal port (20) disposed adjacent the proximal end region, a distal end region, a balloon (8) disposed adjacent the distal end region; and an inflation lumen (22) extending between the port and the balloon; wherein the port includes a proximal end, a proximal flange (34), and a proximal end surface defined by the proximal end and the proximal flange; and a seal (26 and 28, as recited in col.5 lines 55-60 and col.6 lines 1-3) attached to the proximal end surface that seals the inflation lumen.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

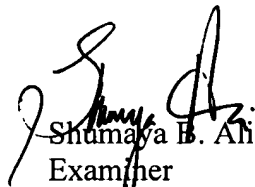
Art Unit: 3771

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shumaya B. Ali whose telephone number is 571-272-6088. The examiner can normally be reached on M-W-F 8:30am-8:30pm and Tu-Th 8:00am-1:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 571-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Shumaya B. Ali
Examiner
Art Unit 3771
10/15/06


JUSTINE R. YU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700
10/16/06